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MAILED

FEB 23 2007

Technology Center 2100

In re Application of: Joseph M. Jeddelloh
Application No. 10/773520
Attorney Docket No. 33583/US
Filed: February 5, 2004
For: Arbitration System Having a Packet
Memory and Method for Memory Responses
in a Hub-Based Memory System

DECISION ON PETITION

This is a decision on the petition filed on January 24, 2007, requesting that the shortened statutory period for reply set forth in the Office communication (Final Rejection) mailed on August 21, 2006 be reset to run from the date on which the Office communication was actually received at the correspondence address of record.

The petition is **GRANTED**.

Applicable Prosecution History

Mar 29, 2006	First action on the merits mailed to address above
Jun 12, 2006	Amendment filed (Address on correspondence same as above)
Aug 21, 2006	Final rejection mailed to address above
Jan 5, 2007	Applicant downloaded action from PAIR
Jan 24, 2007	Instant Petition filed (Address on correspondence same as above) Certificate of Mailing sets date of Petition as Jan 19, 2007

RELIEF REQUESTED

The instant petition requests that the shortened statutory period for reply set forth in the Office communication (Final Rejection) mailed on August 21, 2006 be reset to run from Jan 5, 2007, the date on which the Office communication was actually received at the correspondence address of record.

OPINION

Petitioner asserts that the Office communication (Final Rejection) mailed on August 21, 2006 was not received by applicants, and states the following:

1. A substantial portion of the response period for response has elapsed on the date of receipt of action
2. Mr. Bulchis discovered on Jan. 5, 2007 that the office action (Final Rejection mailed Aug. 21, 2006) was entered in this application via the PAIR system
3. Upon discovery of the above office action, a search of the file jacket and the docket records was performed, and no entry for the office action was found.
4. Petitioner has attached a copy of pertinent mail log of incoming mail at the law firm, and a copy of the docket record for the instant application.

ANALYSIS

In the absence of any apparent irregularity associated with the mailing of a communication, the Office presumes that the communication was properly mailed to practitioner at the address of record. This presumption, however, may be overcome by showing that office action (Final Rejection mailed Aug. 21, 2006) was not in fact received at the address of record.

According to MPEP §711.03(c), the showing required to establish nonreceipt of an Office action includes the following:

- a) a statement from the practitioner that the Office action was not received,
- b) a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates the Office communication was not received,
- c) a copy of the docket record where the nonreceived Office communication would have been entered had it been received and docketed, and
- d) a reference to the docket record in the practitioner's statement.

The petition filed on January 24, 2007, is in compliance with the above-stated requirements.

Petitioner provided a statement that the Office communication in question was received at the correspondence address of record on 05 January 2007. The petition was filed within two weeks of receipt of the Office communication. A substantial portion of the set reply period had elapsed on the date of receipt.

The Petition is **GRANTED**.

Accordingly, the shortened statutory period that was originally set forth in the Office communication originally mailed on 21 August 2006 is hereby reset to run FROM THE RECEIPT DATE OF 05 January 2007.

Application SN10/773,520

Decision on Petition

Any inquiry concerning this decision should be directed to the undersigned whose telephone number is (571) 272-4210.

Mano Padmanabhan

Mano Padmanabhan
Quality Assurance Specialist,
Technology Center 2100, Work Group 2180